

MORRISON TENENBAUM

MORRISON-TENENBAUM PLLC, ATTORNEYS-AT-LAW M-T-LAW.COM
87 WALKER STREET 2ND FLOOR NEW YORK NY 10013
PHONE 212.620.0938 FAX 646.998.1972

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/15/22

August 14, 2022

VIA ECF

Honorable Valerie E. Caproni
United States District Court, Southern District of New York
40 Centre Street
New York, NY 10007

Re: Chen v. Lilis 200 West 57th Corp., No. 19-cv-07654 (VEC), (S.D.N.Y.)

Dear Judge Caproni:

We are counsel for the defendants in this action. We write to respectfully request a one week extension of the briefing schedule to file Defendants' anticipated summary judgment motion. Plaintiffs consent to the request.

The reason for the request is that the parties engaged in a mediation on August 11, 2022, as that was the earliest mutually convenient date available for the parties and the mediator after the Court's mediation referral. The mediation was unsuccessful. Prior to the mediation, we focused our resources on the mediation, rather than motion practice that would only take place if the mediation were unsuccessful. Additionally, I am scheduled to be on vacation on September 2, the current deadline for the filing of motion papers.

Accordingly, we request the following amendments to the motion briefing schedule:

<u>Action</u>	Current Deadline	Proposed Revised Deadline
Initial Moving Papers	September 2	September 9
Opposition	September 30	October 7
Reply	October 14	October 21

This is the first request for an extension of the motion schedule.

Plaintiffs' have advised that they intend to file a motion for Rule 23 class action certification. The parties request that the same motion schedule apply to any such motion.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Joshua S. Androphy
Joshua S. Androphy, Esq.

All counsel (VIA ECF)

Application GRANTED in part and DENIED in part. The parties' request for an extension of the briefing deadlines is GRANTED. Plaintiff's request to move for class certification pursuant to Federal Rule of Civil Procedure 23 is DENIED. Should Plaintiff prevail on the pending motion for summary judgment, the Court will set a briefing schedule for Plaintiff's motion for class certification.

SO ORDERED.

 8/15/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE